



**STATE OF HAWAII  
2011 REAPPORTIONMENT COMMISSION**

**2011 NOTICE OF REAPPORTIONMENT COMMISSION MEETING**

Date: Friday, August 5, 2011  
Time: 2:00 PM  
Place: State Capitol, Conference Room 329  
415 South Beretania Street  
Honolulu, Hawaii 96813

**AGENDA**

- I. Call to Order – Chair
- II. Roll Call and Determination of a Quorum
- III. Approval of Minutes for meeting of August 3, 2011
- IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item
- V. Input from Advisory Councils - Discussion and action, if appropriate
- VI. Technical specifications for public submission of proposed redistricting plans – Discussion and action, if appropriate
- VII. Permanent resident population – Discussion and action, if appropriate
- VIII. Technical Committee's Proposed Redistricting Plan(s) – Deliberation and decision making by the Commission
- IX. Update on matters from Reapportionment staff including the computer vendor; problems, if any, regarding the redistricting software; information provided by the public; information from the military and/or from various universities; information from the census bureau - Discussion and action, if appropriate

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- X. Executive Session  
Pursuant to HRS §92-5(a)(4) to consult with the Commission's attorney concerning the Commission's powers, duties, privileges, immunities and liabilities regarding population base, permanent resident and prior case law regarding reapportionment and redistricting
- XI. Schedule future meeting dates
- XII. Adjournment

THE COMMISSION MAY ELECT TO CONSULT WITH COUNSEL IN EXECUTIVE SESSION PURSUANT TO SECTION 92-5, HAW. REV. STAT. IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.

**STATE OF HAWAII  
2011 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE  
2011 REAPPORTIONMENT COMMISSION**

August 3, 2011  
2:00 pm

State Capitol, Room 329  
Honolulu, Hawaii 96813

**Commissioners Present:**

Victoria Marks, Chairperson  
Calvert Chipchase, IV  
Clarice Y. Hashimoto  
Harold S. Masumoto  
Elizabeth N. Moore  
Dylan Nonaka  
Lorrie Lee Stone  
Anthony Takitani  
Terry Thomason

**Technical Staff Present:**

Robyn Chun, Department of the Attorney General  
Judy Gold, Office of Elections  
Royce Jones, ESRI  
Caryn Moran, Office of Elections  
Scott Nago, Office of Elections  
Kristen Oka, Office of Elections  
Rex Quidilla, Office of Elections  
David Rosenbrock, Office of Elections  
Rhowell Ruiz, Office of Elections  
Aaron Schulaner, Office of Elections  
Karen Tam, Office of Elections  
Lori Tomczyk, Office of Elections  
Charles Wong, Office of Elections

**Observers Present:**

Brenda Baker, Office of Senator Pohai Ryan  
Virginia Beck, Public Access Room  
Christopher Chang, Maui Advisory Council

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Bart Dame  
Derrick DePledge, Star-Advertiser  
Senator Brickwood Galuteria  
Senator Josh Green  
Glenn Ida, Oahu Advisory Council  
Ken Kakesako, Office of Senator Gil Kahele  
Nanea Kalani, Civil Beat  
Representative Chris Lee  
Nikki Love, Common Cause Hawaii  
Senator Les Ihara  
Shirley Magarifuji, County of Maui  
Janet Mason, League of Women Voters  
Lynne Matusow, Downtown Neighborhood Board  
Amy Monk  
Representative Mark Nakashima  
Mark Niesse, Associated Press  
Randall Nishimura, Kauai Advisory Council  
Ethann Oki, Office of Senator Malama Solomon  
Michael Palcic, Oahu Advisory Council  
B.J. Reyes, Star-Advertiser  
Fred Rohlfing, Maui Advisory Council  
Leon Rouse  
Linda Smith, Oahu Advisory Council  
Glen Takahashi, City & County of Honolulu-Elections Division  
Melissa Vomvoris, Office of Senator Les Ihara  
Arnold Wong  
Dellfin Yoshida, County of Maui  
Lyndon Yoshioka, County of Kauai

**I. Call to Order**

Chairperson Marks called the meeting of the 2011 Reapportionment Commission to order at 2:02 pm.

Chairperson Marks noted that today's meeting is airing live on Oahu, Olelo channel 52. It is also streaming live Olelo's website.

She also announced that Olelo will be broadcasting the August 5, 2011 meeting at 2:00 pm on channel 53. Public notice was given that the Commission will be acting on a proposed plan on that date. Later in today's meeting, the Commission will be having a presentation of the Technical Committee's recommendation to the full Commission.

## PROCEEDINGS

### II. Roll Call and Determination of Quorum

Roll call was taken and all Commissioners were present.

### III. Approval of Minutes

Chairperson Marks moved to approve the minutes of the July 19, 2011 meeting. Commissioner Hashimoto seconded the motion with no objections from the nine commissioners present.

### IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

Mr. Dame testified on the process. He stated he re-read Act 92, the Sunshine Law, and opined that the Commission was acting in violation of Act 92.

Mr. Dame read the following from the statute:

“It is the policy of this State that the formation and conduct of public policy - the discussions, deliberations, decisions, and action of governmental agencies - shall be conducted as openly as possible. To implement this policy the legislature declares that:

- (1) It is the intent of this part to protect the people's right to know;
- (2) The provisions requiring open meetings shall be **liberally construed**; and;
- (3) The provisions providing for exceptions to the open meeting requirements shall be **strictly construed** against closed meetings.”  
[emphasis added]

Mr. Dame noted the Commission's discussion regarding the legislative intent of permanent residency did not take place publicly before the vote was taken, and there was not adequate discussion on the methodology used to extract the military population from the civilian population.

He noted there was not adequate discussion, on what is the appropriate level of accuracy that is necessitated to use an imperfect methodology.

Mr. Dame stated that his testimony was handicapped by not knowing what was going on in the minds of the commissioners.

He noted that all the exceptions from the Sunshine Law can be narrowly interpreted with the exception to consult with its attorney. Instead, the Commission has interpreted this very broadly and have not held their discussions in open session, but according to the statute those discussions are supposed to be open to public scrutiny and as a result the public does not know what the Commission is thinking and is difficult for the public to give effective testimony.

Commissioner Chipchase stated that when the Commissioners articulated their decision they all explained the basis for their decision in a public meeting.

Mr. Dame responded that those discussions were when they made their decision. It was not during the discussion and deliberation stage and the Commission did not let the public know in advance what their thinking was so that the public could have effective input in the decision making and deliberation process.

Mr. Dame stated, in order to have effective public discussion, the public needs to know in advance what kinds of questions the Commission is considering.

**V. Input from Advisory Councils – Discussion and action, if appropriate**

Oahu Advisory Council Chair Palcic stated there was no additional input at this time.

Kauai Advisory Council Chair Nishimura noted that the Kauai Advisory Council did a review of the districting and sent a file to the Reapportionment Commission Office.

He also noted that a Kauai Advisory Council Member wants further discussion on the two senator issue. The Member indicated they were not entirely satisfied with the response given and wants an attorney general opinion.

Chairperson Marks responded that the question was answered verbally and in writing, and if they want to request an opinion, they are free to do so.

Commissioner Masumoto asked what the vote was on the recommendation for redistricting.

Kauai Advisory Council Chair Nishimura responded it was 3-0 with one reservation. He noted there were only three Advisory Council Members present.

Commissioner Takitani asked how many senate districts did the Advisory Council put into their plan. Kauai Advisory Council Chair Nishimura responded, one senate district.

Maui Advisory Council Member Rohlfing noted that the Maui Advisory Council had nothing to report.

There was no report from the Big Island Advisory Council.

**VI. Technical specifications for public submission of proposed redistricting plans – Discussion and action, if appropriate**

Project Manager Rosenbrock noted that there were 176 accounts created, 14 public plans submitted, and a 15th plan received today. He provided the commission the following breakdown:

- Congress..... 1 plan
- Honolulu Senate..... 2 plans
- Honolulu House..... 2 plans
- Hawaii Senate ..... 7 plans
- Hawaii House ..... 2 plans

He noted there were 23 requests for technical support, all of which have been resolved. The breakdown included, 16 phone calls, 2 emails and 5 in-person requests for technical support.

**VII. Permanent resident population – Discussion and action, if appropriate**

Commissioner Nonaka asked if there was any update on the gathering of the data to do an extraction.

Project Manager Rosenbrock stated that discussion was taking place between himself and USPACOM, they are still working on getting the data which is expected shortly. USPACOM provided numbers but did not segregate between active duty residents and active duty nonresidents. Project Manager Rosenbrock requested information be provided retroactive to April 2010.

Project Manager Rosenbrock noted that they received data from the University of Hawaii system and can begin processing the nonresident student population from all of these area colleges.

Commissioner Nonaka stated for the record, that there have been comments made about the Commission's decision, or the Commission ignoring the public and not listening to the testimony. He stated that is not true. From a practical standpoint, it is important to state for the record that at this point, the Commission has been unable to do an extraction of any of these different populations. Without the data, the Commission is unable to do the extraction, and would not have been able to meet the deadline today and present this draft plan.

**VIII. Proposed Redistricting Plan(s) – Presentation of findings and recommendations of the Technical Committee – Deliberation and appropriate action, if any**

Project Manager Rosenbrock and Mr. Jones provided an overview of the Technical Committee's proposed plan for the Commission's consideration for approval and public comment.

Mr. Jones provided an overview of the proposed changes to the districts and noted there are two Congressional Plans for the Commission to decide which plan to use.

Chairperson Marks noted that the plan was not a final decision and no final decision would be made until the whole process, including the public hearings, is completed.

Mr. Jones presented the statewide schedule of Public Hearings.

Commissioner Chipchase noted that the Technical Committee was able to agree on draft plans for all districts, except the Congressional districts. He noted that the drafts are ready for public comment.

Commissioner Takitani and Chairperson Marks thanked the Technical Committee for its work.

Commissioner Hashimoto thanked Project Manager Rosenbrock and Mr. Jones for their technical support. She stated that it was important to note that entire census blocks needed to be moved in or out of a district.

Commissioner Nonaka thanked the public for submitting plans and found them helpful. He hopes the public continues to participate in the process.



Commissioner Stone thanked the Technical Committee and technical staff and reiterated that this was just the beginning and the Commission was here to listen and hopefully agree on a final plan in a couple of months.

Commissioner Thomason noted that the principal difference in the two Congressional plans was whether the Mililani community would be subsumed or whether Farrington Highway would be the boundary. He asked if the Oahu Advisory Council could look at both plans and provide feedback on both plans.

Oahu Advisory Council Chair Palcic responded that the Oahu Advisory Council would be happy to advise, but will wait until the draft plan has been submitted and will comment on the draft plan.

Commissioner Takitani asked if the Commission could post the Technical Committee's recommended plan online prior to Friday.

**IX. Update on matters from Reapportionment staff including the computer vendor; problems, if any, regarding the redistricting software; information provided by the public; information from the military and/or from various universities; information from the census bureau – Discussion and action, if appropriate**

Chairperson Marks asked if the military and university would be able to provide the information with actual street address rather than just zip code.

Project Manager Rosenbrock responded that he was not successful in getting street address and the model used in the past was done by zip code.

Chairperson Marks asked where the model came from.

Project Manager Rosenbrock responded the model came from the Social Science Research Institute at the University of Hawaii and currently a demographer and statistician are reviewing the model to verify if the assumptions made in 1991 are still valid.

Commissioner Chipchase asked for an update on the discussion with the U.S. Census to determine if the 1.362 million people counted includes the military and student population.

Project Manager Rosenbrock responded that the U.S. Census mails forms to the residence and that is where the forms get filled out. If a student is in a group quarters that is where the form gets filled out, but if the student moves into an apartment building, they may or may not fill out the census form. However, they

will get a census form at their place of residence. This also holds true for the military.

Commissioner Chipchase asked if someone from the U.S. Census was expected to speak to the Commission. Project Manager Rosenbrock responded a representative was invited to attend this meeting, however, on Friday he was notified the representative was not able to attend and a formal request would be required.

**X. Executive Session**

Chairperson Marks moved that the Commission go into executive session pursuant to HRS §92-5(a)(2) and HRS §92-5(a)(4). Commissioner Stone seconded the motion with no objections from the nine commissioners present.

The Commission resolved to executive session at 2:55 pm.

Reconvene of Meeting

The Commission returned at 3:16 pm. Chairperson Marks moved to go into regular session. Commissioner Nonaka seconded the motion with no objections from the nine commissioners present.

Chairperson Marks moved that the Commission approve the hiring of Karen Tam as the Secretary to the Commission. Commissioner Nonaka seconded the motion with no objections from the nine commissioners present.

Commissioner Nonaka moved that the Commission accept the proposed draft plan as recommended by the Technical Committee and all proposed draft plans be posted online for action at the next meeting. Commissioner Takitani seconded the motion with no objections from the nine commissioners present.

**XI. Future meeting dates**

Chairperson Marks announced the next meeting will be on August 5, 2011, at 2:00 pm in Conference Room 329 at the State Capitol.

Chairperson Marks noted the schedule of the public hearings:

August 30, 2011 .....	Kapolei High School.....	6:00 pm
August 31, 2011 .....	Maui Waena Intermediate.....	5:30 pm
September 1, 2011.....	Lahaina Civic Center.....	5:30 pm
September 2, 2011.....	Kauai Council Chamber .....	5:30 pm

September 6, 2011 ..... Aikahi Elementary ..... 6:00 pm  
September 7, 2011 ..... State Capitol Auditorium ..... 6:00 pm  
September 8, 2011 ..... Mililani High School ..... 6:00 pm  
September 9, 2011 ..... Lanai High School..... 5:00 pm  
September 12, 2011 ..... Molokai-Kaunakakai ..... 5:00 pm  
September 13, 2011 ..... Hawaii County Council Chamber .... 5:00 pm  
September 14, 2011 ..... Kona Civic Center..... 5:00 pm  
September 15, 2011 ..... Waipahu High School ..... 6:00 pm  
September 16, 2011 ..... Kalani High School ..... 6:00 pm

Chairperson Marks noted that after the Public Hearings, further Commission meetings will be scheduled.

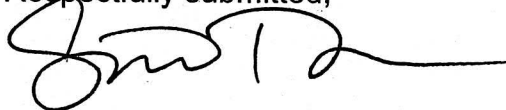
**XII. Adjournment**

Chairperson Marks moved that the meeting be adjourned. Commissioner Nonaka seconded the motion with no objections from the nine commissioners present.

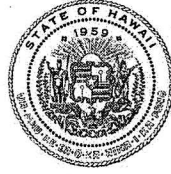
There being no further business, the meeting was adjourned at 3:21 pm.

The next meeting is scheduled for Thursday, August 5, 2011 at 2:00 pm in Conference Room 329, at the State Capitol.

Respectfully submitted,



Scott T. Nago  
Chief Election Officer  
Secretary to the Reapportionment Commission



**STATE OF HAWAII  
2011 REAPPORTIONMENT COMMISSION**

Testimony of Linda L. Smith  
Oahu Reapportionment Advisory Council

August 5, 2011

Madam Chair and Members of the Commission:

I appreciate the opportunity to share with you information about a national study underway on how states handle redistricting.

The national study is being undertaken by The Democracy Project, under the auspices of the Bipartisan Policy Center in Washington DC. The Center was founded in 2007 by former US Senate Majority Leaders Jim Baker, Tom Daschle, Bob Dole and George Mitchell. It is the only Washington DC based think tank that actively promoted bipartisanship to address the key challenges facing the nation.

Hawaii is one of only seven States in the United States that uses either a non-partisan or bi-partisan commission to handle redistricting of political boundaries. All other states allow their State Legislatures to handle the duty.

The Democracy Project, spearheaded by Dr. John Fortier, is examining how effectively the commission process works in the 7 states who use it – Hawaii, Iowa, New Jersey, Arizona, California, Washington State, and Idaho. California just adopted the commission process this year and it has come under some public criticism during the past few months. Because Hawaii is one of the few states that has used the system successfully for several decades, the Bipartisan Policy Center is particularly interested in our experiences.

I have been interviewed for this research and have suggested that Dr. Fortier contact members of the Commission and the neighbor island advisory councils as well. The results of his research will be published until the spring of 2012.

For those interested in learning more, please visit the Bipartisan Policy Center website at [www.bipartisanpolicy.org](http://www.bipartisanpolicy.org).

Thank you for the opportunity to share this information with the Commission.

At the August 5, 2011 meeting, the 2011 Reapportionment Commission approved Proposed Plans to be circulated for public comment. The Commission invites comments at 13 Public Hearings to be held throughout the State between August 30, 2011 and September 16, 2011, see attached schedule.

To view Proposed Plans, visit the Reapportionment website:

[http://hawaii.gov/elections/reapportionment/2011 legislative plan](http://hawaii.gov/elections/reapportionment/2011_legislative_plan)

Comments also may be submitted by email: [reapportionment@hawaii.gov](mailto:reapportionment@hawaii.gov)

or by mail:

Hon. Victoria S. Marks, Chair  
2011 Reapportionment Commission  
802 Lehua Ave.  
Pearl City, HI 96782

**2011 REAPPORTIONMENT COMMISSION  
SCHEDULE OF PUBLIC HEARINGS ON  
PROPOSED MAPS & PLANS**

<b>DATE</b>	<b>TIME</b>	<b>PLACE</b>
August 30, 2011	6:00PM	Kapolei High School Cafeteria 91-5007 Kapolei Pkwy.
August 31, 2011	5:30 PM	Maui Waena Intermediate Cafeteria 795 Onehee Ave., Kahului
September 1, 2011	5:30 PM	Lahaina Civic Center 1840 Honoapiilani Hwy.
September 2, 2011	5:30 PM	Kauai Council Chamber 4386 Rice St., Lihue
September 6, 2011	6:00 PM	Aikahi Elementary School Cafeteria 281 Iliha St., Kailua
September 7, 2011	6:00 PM	State Capitol Auditorium 415 S. Beretania St., Honolulu
September 8, 2011	6:00 PM	Mililani High School Cafeteria 95-1200 Meheula Pkwy.
September 9, 2011	5:00 PM	Lanai High School Cafeteria 555 Fraser Ave., Lanai City
September 12, 2011	5:00 PM	Molokai - Kaunakakai School Cafeteria Kamehameha V Hwy.
September 13, 2011	5:00 PM	Hawaii County Council Chamber 25 Aupuni St., Hilo - Video from Kona
September 14, 2011	5:00 PM	Hawaii County Council Chamber Kona Civic Center- Video from Hilo
September 15, 2011	6:00 PM	Waipahu High School Cafeteria 94-1211 Farrington Hwy.
September 16, 2011	6:00 PM	Kalani High School Cafeteria 4680 Kalanianaʻole Hwy.

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